

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Western District of Michigan

FILED - KZ

August 3, 2021 2:46 PM

U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGANems Scanned by EMS 8/3

Brandon Jon Harvey & son Thomas Mason Harvey)

Petitioner)

v.)

Amy Victoria Lillibridge)

Respondent)

(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

1:21-cv-661

Janet Hala Y. Jarbou
United States District Judge

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Brandon Jon Harvey
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: House Arrest
(b) Address: Brandon - 8416 N 14th St, Kalamazoo, MI 49009
Thomas - 13485 S M-37 HWY, Battle Creek, MI 49017
(c) Your identification number: _____
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
State of Michigan 5th Judicial Circuit in Barry County, MI purporting State authority under color of the law
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☒ Other (explain): My child and I have been alienated from one another and denied any contact since
September 2020 based upon the Defendant's fraudulent and baseless allegations that have been disproven in
court and determined by a court appointed referee to have no effect on my ability to parent my child.

Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☒ Other (explain): The law is being improperly applied to kidnap my son under color of the law in an effort to use my child as an instrument to attempt murder by forced suicide and to prevent the common citizen from accessing the judicial system so that one trade organization may promote and maintain a monopoly on justice

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: State of Michigan 5th Judicial Circuit Court - Barry County

206 W. Court St., Ste. 302, Hastings, MI 49058

(b) Docket number, case number, or opinion number: 2017-678-DC

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

The Defendant and the State Circuit Court are claiming that practicing the teachings of christ is indicative of a civil incapacitation and that those beliefs indicate a mental disease that renders the individual mentally unfit to care for, or be in the presence of his own child.

(d) Date of the decision or action: ongoing conspiracy beginning August 2017- most recent order 4/28/2021

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Barry County Chief Judge William Doherty

(2) Date of filing: 4/13/2021

(3) Docket number, case number, or opinion number: 2017-678-DC

(4) Result: declined to disqualify judge

(5) Date of result: 4/27/2021

(6) Issues raised: Judge's decisions throughout history of case are clearly biased and substantially deviate from standard practice, never once has the best interests of the child been litigated or taken into consideration in the proceedings, the judge has undermined the conclusive findings of prior courts and is not medically qualified to contradict medical opinion, the judge has appellate authority over prior rulings

when she previously participated in this case under her capacity as a court appointed referee, the judge has previously violated court order by refusing to accept medical documentation that I was ordered to present to the court, the judge has refused to provide any reason or justification for the alienation of child

(b) If you answered "No," explain why you did not appeal:

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Michigan Court of Appeals

(2) Date of filing: 6/8/2021

(3) Docket number, case number, or opinion number: 357477 & 357526

(4) Result: Claim of Appeal denied for alleged lack of jurisdiction

(5) Date of result: 6/29/2021

(6) Issues raised: The court does not possess the authority to take children away from their father without rhyme, reason, or justification, never before has a man had a more compelling reason to bear arms against the abuses of a tyrant, that the kidnapping of my child under color of the law is an egregious perversion of nature that will inevitably result in consequences according to the laws that govern our universe, that the court's alienation of my child is the product of an ill conceived notion that lacks an intelligent application of rationale and that all evidence indicates that the court's actions serve as a recipe for juvenile delinquency and criminal behavior, the court cares not for my child's well being

(b) If you answered "No," explain why you did not file a second appeal:

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: State of Michigan Supreme Court

(2) Date of filing: 7/09/2021

(3) Docket number, case number, or opinion number: 163234

(4) Result: Pending Application for Leave to Appeal to consider judicial disqualification

(5) Date of result: Pending

(6) Issues raised: The court's actions violate my religious beliefs and they are forcing me to conduct myself in a manner that contradicts my very nature and the teachings of my religious doctrine.

(b) If you answered “No,” explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes ☐ No

If “Yes,” answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If “Yes,” provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If “Yes,” provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: The motion would be heard by the same biased judge in which I am seeking judicial disqualification and all evidence related to the 5th judicial circuit's involvement in this matter indicates that said attempt would not only be frivolous but would provoke further abuse and retaliation from that vindictive and masochist court, as it has been their standard practice in response to all prior attempts to exercise my rights. It would be more effective to cut my hair with a lawn mower than to seek relief from Michigan's 5th Judicial Circuit Court. They have made it clear that a rabid dog is entitled to more rights and common courtesy than a father such as myself and I do not feel the slightest bit compelled to subject myself to further abuse, unwarranted malicious persecution, and hate crimes.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
 (b) Date of the removal or reinstatement order:
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☐ No

If "Yes," provide:

- (1) Date of filing:
 (2) Case number:
 (3) Result:
 (4) Date of result:
 (5) Issues raised:

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court:
 (2) Date of filing:
 (3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: Application for Joint Custody

(b) Name of the authority, agency, or court: State of Michigan 9th Judicial Circuit Court -Kalamazoo County

(c) Date of filing: 2/10/2021

(d) Docket number, case number, or opinion number: 2021-5194-DC

(e) Result: denied and dismissed for frivolous case, pay defendant's attorney \$500 for exercise of rights

(f) Date of result: 5/18/2021

(g) Issues raised: Motion filed in Barry County to transfer jurisdiction to Kalamazoo County was dismissed and court instructed me to file a case in Kalamazoo County and request signed authorization from Kalamazoo judge consenting to transfer before filing another motion for transfer of venue. Kalamazoo judge blamed me for violating procedure, accused me of being dishonest based upon Defendant's attorney's dishonest testimony, refused to allow me to present evidence of e-mail communication from Barry County Circuit Court that would otherwise prove my claim true; I did however agree with the judge in that I also believed that the procedure was inappropriate, just as the entirety of the case in Barry County had been proceeded against me inappropriately and was therefor null and void ab initio, in violation of due process, meaning that Kalamazoo had jurisdiction.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: A child is entitled to the due process of life and childhood before being made to suffer the due process of the law. The court's inability to recognize that my child's life outweighs the importance of arbitrary bureaucratic procedure proves that the court is unqualified to adjudicate the best interests of the child, which is further supported by our nation's present incarceration statistics.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

See the attached memorandum

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: Until my child reaches a pinnacle of maturity in which he is capable of electing otherwise, I am his maker and creator, which means that our relationship is protected under the first amendment and the court has no more right to interfere in our relationship than it does any other person's relationship with their maker and creator

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

see attached memorandum

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: I have a sworn obligation to my child and to my Creator to raise my child to be an honest and upstanding citizen with good morals. The court has not only prevented me from fulfilling that obligation but also threaten to teach him differently, encouraging him to lie, cheat, steal, to seek gain at the expense of others, and that right and wrong are irrelevant to justice, but is determined by the quality of one's theatrical performance

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

God sees and hears everything and it would only serve to cause me further harm to lie or deceive in my efforts

see the attached memorandum

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

GROUND FOUR: According to Article VI of the Constitution, anything repugnant to the Constitution is legally invalid, therefor, the entire history of this case is legally null and void given that it is predicated on proceedings that violate my religious rights, my right to gather peacefully with my child, my rights to due process, and my constitutional protections against double jeopardy, as well as cruel and unusual punishment

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

see attached documents

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Because the Constitution of the State of Michigan deems it illegal to deny the existence of God, the State must recognize the supremacy of His jurisdiction and must reserve jurisdiction over creation to Him. Our universe and present realm of existence could not have birthed itself into existence without divine intervention and the court can not reach a conclusion that contradicts the evidence.

Request for Relief

15. State exactly what you want the court to do: I ask that this court declare that I am a human being and a citizen of the United States with an equal right to parent my child as that of another parent, just as my child has an equal right to both parents. I ask that this court declare that a court may not repeatedly persecute me for the same allegation simply because they personally disagree with the conclusive findings of 3 prior attempts; I ask that this court declare that the prior proceedings and orders carried out under color of the law in violation of the Constitution be rendered void *ab initio*

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 07/28/2021


Signature of Petitioner

Signature of Attorney or other authorized person, if any